

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

TRACY LEE FREDERICKSON,

Plaintiff,

v.

CIVIL ACTION NO. 2:13-cv-33244

CAROLYN W. COLVIN,

Acting Commissioner of Social Security,

Defendant.

**MEMORANDUM OPINION AND ORDER**

Before the Court is Plaintiff Tracy Lee Frederickson's Complaint seeking review of the decision of the Acting Commissioner of Social Security, Carolyn W. Colvin ("Commissioner") [ECF 2]. By Standing Order entered April 8, 2013, and filed in this case on December 27, 2013, this action was referred to United States Magistrate Dwane L. Tinsley for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Tinsley filed his PF&R [ECF 16] on January 27, 2015, recommending that this Court remand this case for further proceedings and dismiss this matter from the Court's docket.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not


conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R were due on February 13, 2015. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 16], **GRANTS IN PART** Plaintiff’s motion for judgment on the pleadings [ECF 11] to the extent she seeks remand, **DENIES** the Commissioner’s brief in support of judgment on the pleadings [ECF 14], **REVERSES** the final decision of the Commissioner, **REMANDS** this case for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), and **DIRECTS** the Clerk to remove this case from the Court’s docket.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 18, 2015

  
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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE